

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES MANNING,

Plaintiff,

3:15-cv-00446-RCJ-WGC

REPORT & RECOMMENDATION OF U.S. MAGISTRATE JUDGE

V.

STATE OF NEVADA, et. al.,

Defendants.

12 This Report and Recommendation is made to the Honorable Robert C. Jones, United
13 States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28
14 U.S.C. § 636(b)(1)(B).

15 Plaintiff filed his complaint (ECF No. 1) and financial certificate (ECF No. 2) on
16 August 28, 2015. The complaint was not accompanied by the filing fee or a completed
17 application to proceed in forma pauperis. On October 14, 2015, the court instructed the Clerk to
18 send Plaintiff a copy of the approved application to proceed in forma pauperis and accompanying
19 instructions, and gave Plaintiff thirty days to file the completed application or pay the filing fee.
20 (ECF No. 5.) He was cautioned that a failure to do so may result in dismissal of his case. (*Id.*)

21 As of today's date, Plaintiff has not paid the filing fee or filed a completed application to
22 proceed in forma pauperis. Therefore, the court recommends that this action be **DISMISSED**
23 **WITHOUT PREJUDICE.**

24 Plaintiff should be aware of the following:

25 1. That he may file, pursuant to 28 U.S.C. § 636(b)(1)(C), specific written objections to
26 this Report and Recommendation within fourteen days of receipt. These objections should be
27 titled "Objections to Magistrate Judge's Report and Recommendation" and should be
28 accompanied by points and authorities for consideration by the district judge.

1 2. That this Report and Recommendation is not an appealable order and that any notice of
2 appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be filed
3 until entry of judgment by the district court.

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5 DATED: December 8, 2015.

William G. Cobb

6 WILLIAM G. COBB
7 UNITED STATES MAGISTRATE JUDGE
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